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LETTER FROM BISHOP GREGG.

MANHOOD RESTORED.

Commission of Appeals

Guif, Colorado and Santa Fe Railway Jompany vs. J. Zimmerman & Co. et al.; rom Johnson. Suit by appellees for the also of certain cotton alleged to have en burned through the negligence of apeffunt. I A common carrier can provide n his contract of shipment that he shall have the benefit of any insurance effected upon the goods to be transported, and if the owner has received from the insurance company the amount of the loss, he will be provided by such stipulation from recovering against the carrier [63 Tex., 479], but it is not the less to be doubted that after proof of the loss due to such negligence of the carrier, it is incumbent on him to establish the conditions which shield him from liability. The insurance policy stipulated that it should not cover losses caused by the carrier's negligence and for which the carrier would be liable at common law. The court found that appelless had not received compensation for the loss from the insurance company, and this find-ing is supported by the evidence. Af-firmed. Tarlton, J.

firmed. Tarlion, J.

S. D. Burchard vs. Rush Record; from Archer. Suit by appellant to foreclose vendor's llen. 1. A plea in abatement comes too late, and is not in due order of pleading if filed after the pleas in bar. 2. The sufficiency of a plea in abatement must be tested by its own averments, and unless they exclude every exception, which under the law would confer jurisdiction, the plea is fatally defective if called in question by exceptions. [73 Tex. 618:58 Tex., 376; 60 Tex., 442.] 3. Where a vendee of land has knowledge of the fact that his vendor has not paid for the land, and that a third party holds a lien against his vendor for the unpaid purchase money, the fact that the third party subsequently forecloses his third party subsequently forecloses his lien against the vendor, cannot avail the vendee aforesaid in a suit, to foreclose by his vendor. Aftirmed. Marr, J. Eliza Ralston et al. vs. Charles Skenet of from Clay. Trespass to try title. 1. ppcllees do not hold the land under their

ancestor, M. B. Skenett, but by the state which donated it to them. The covenant of the ancestor to warrant the title to certificare No. 36, which was issued without authority of law to said ancestor, to Robbins & Co., and their assigns, as against himself and his heirs, will not operate as a rebutter to the claim of appellees, 2. A cross assignment of error as to a party who has not appealed can not be conwho has not appealed, can not be considered. Affirmed. Garrett, P. J. W. C. Connor et al. vs. T. H. Saunders; from Grayson. 1. The allegations of appel-

ble machinery or appliances, etc., or on eccount of the negligent omission of Brown one of defendants) to perform some duty ecified in the petition, incumbent on nim. Held: Such negligence as alleged in appellee's petition does not amount to a "trespass" under Art. 1198, Revised Stat-

"trespass" under Art. 1198, Revised Statutes. To constitute "trespass" as here
used, the act must be "wilfully" done—
something more than negligence must be
shown, or the act will not be a "trespass."
It follows that, appellants not being citizens of Grayson county, their plea to the
jurisdiction was well taken. Reversed and
remanded. Marr. J.
George W. Baylor and wife vs. Charles
Hopf and wife; from El Paso. Suit by apdices to recover land. 1. This court will
not reverse because of a conflict in the testimony. 2 The court charged that if the jury
found for plaintiffs they would also find for
them the value of the use and occupation of
their part of the premises from the time of
plaintiff's entry. Held: error. Plaintiff,
Mrs. Hopf occupied the land as a home
three years before her marriage and only



DECISIONS AT THE PRESENT TYLER SITTING

Rendered in the Supreme Court and Court of Appeals-Some Important North Texas Cases Decided.

Supreme Court.

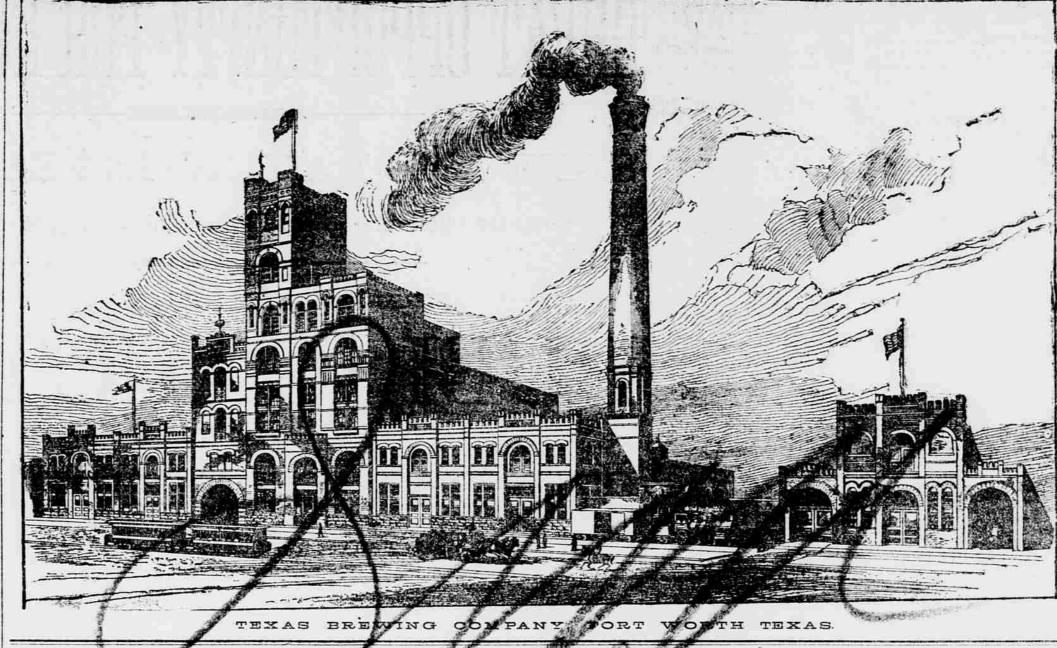
State of Texas vs. City of Waxahachie; from Ellis. Suit by appellant to annul an ordinance of the city of Waxahachieannexing adjoining territory. 1. Under article 308, Revised Statutes, voters are allowed to the proper affidavit that a majority have avored annexation, the city council is auunit of the election. 3. With regard to the extent and description of territory that

that the said Kate Knight Edwards do have the sole and exclusive possession thereof for the purposes of a homestead, for and to use or occupy it as a homestead." 2. No sufficient reason appears for a repartition, but no assignment of error raises that ques-

rom Shelby. Suit by plaintiffs in error to ecover certain lands. 1. The execution

Reversed and remanded. Stay-

ee's petition show that he was injured, either on account of the negligence of the rendant's company in not providing suit-



_argest and Most Complete Stock of Bar Fixtures

TEXAS FIXTURE COMPANY,

Office and Salesroom at Texas Brewing Company.

Fort Worth, Texas.

GRAND

GREAT

Saturday, October 17, By His Excellency,

GOVERNOR JAMES S. HOGG

Opening Day, Children's Day.

All children in Texas invited. All school children accompanied by their teachers, and all other children under twelve years of age admitted free. Most extensive display of the state's products ever gathered together; thirty or more counties will be represented. Largest and finest display of cattle, horses, sheep, swine and poultry, surpassing all previous exhibitions. Increased exhibits of art, ladies' work, geological and curio research.

Two grand concerts each day by the world-renowned cornetist, Liberati, and his unrivaled Military Band of Fifty Artists, also vocal quartette. Daily exhibitions by United States Blying Artillery and U. S. Cavalry Companies. Five great races each day on two of the finest race tracks in the Union.

SOME OF THE SPECIAL DAYS ARE:

Oct. 17-Children's Day. All children in the state admitted free.

Oct. 19-County Exhibit Day, awarding of premiums on county exhibits.

Oct. 20-Stockmen's, Drovers' and Butchers' Day. Special feature, grand

Cattle-Roping Contest. Oct. 22—Farmers' Alliance Day. Oct. 23-Pres day.

Oct. 24-Teachers' Day. All schools attending in a body will be admitted at half rate. Oct. 25-Texas Real Estate Association Day, and State, County and Mu-

nicipal Day

Oct. 27-Knights of Pythias Day. Oct. 31- World's Fair Day. Distinguished World's Fair officials from Chicago will be present.

OST TO THE MUSEUMS.

Death of the Smallest Baby Ever Born is

Connecticut NORWALE, CONN., Oct. 11.—Connecticut's smallest baby died last evening, and was buried this morning. The midget was a girl, and its parents, Mr. and Mrs. Rafael Baroleo, live in a big tenement on Chapel street. When the child was born it weighed nine curves only, and the day of its death. street. When the child was born it weighed nine ounces only, and the day of its death, two months later, it weighed less than a pound. The baby's head was smaller than a league baseball, and its legs were so small that an ordinary finger ring could be slipped over its foot and passed up the leg to the thigh. The arms were no larger than pipestems. The midget fed on milk from a spoon, a few drops only being all it required at a time.

ying the blood cannot thout pure blood you h. P. P. P. (Prickly ssium) is a miraculous

TWO NERVY GIRLS.

Desperate Fight With a Bear in the Dark-Hunting Wild Turkeys in Arkansas.

Special to the Gazette. MOUNTAIN HOME, ARK., Oct. 14.-William Roberts brings a story from the mountains north of this town of an adventure had by two girls which would have had a fatal ending had it not been for the nerve displayed by one of them. Mary Welles and Julia Roberts live on adjoining farms and are great friends. They are both typical Arkansas giris, and can handle arifle better than most men of their neighborhood, and are so confident of their power that they do ot hesitate to tackle the biggest game t be found in the woods. They frequently go hunting and stay all night in the woods camping where darkness catches them. I was during one of these hunting excursions that the adventure spoken of was had. They went away in the morning and toid their folks that they might probably be gone over night, as they wished to get some wild turkeys and they had to be on the ground early in the morning.

early in the morning. They went to the place where they knew the turkeys were and built a blind and lay there waiting. During the night they were awakened by some large animal nosing around their resting place, and as it was too dark to see Mary grabbed a club and made a stroke at the intruder, which proved to be a bear and which was his as the sear and the search as the

and as she was being dragged away, Julia got her gun and ran c see to the animal, placing the muzzle of the weapon, which was loaded with turkey shot, close to his left side and fired, tearing such a hole through the brute that he dropped dead in his tracks. With the exception of a few bruises and a slightly lacerated arm Mary was unand in the morning were rewarded by bag-ging three fine turkeys.

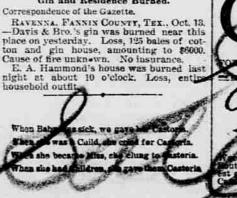
coulders, knees ankles e all attacked and con-This great medicine, by its perties builds up and The Finest Razors in the World at Anderson's gun store

Gin and Residence Burned.

Correspondence of the Gazette. RAVENNA. FANNIN COUNTY, TEX.. Oct. 13.

Davis & Bro.'s gin was burned near this place on yesterday. Loss, 125 bales of cotton and gin house, amounting to \$6000. Cause of fire unknewn. No insurance.

E. A. Hammond's house was burned last



MANSION

main and Rusk Sts., Fort Worth, Texas. W. DUNN & SON.

GEO. C. HUDGINS, Manager. LLISTER



to be a bear, and which was hit or the r by the blow. The animal was madde by the pain at a role a dash at the pain the arm. See screamed

Supervise for the Weekly GAZETTA

homely way of stating an im-